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|--|-------------|----------------------|----------------------------------|-----------------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.            |
| 09/881,052   | 06/13/2001  | Michal Lebl          | ILLINC.063CP1                    | 6471                        |
| 20995 7590 07/03/2007<br>KNOBBE MARTENS OLSON & BEAR LLP<br>2040 MAIN STREET<br>FOURTEENTH FLOOR<br>IRVINE, CA 92614 |             |                      | EXAMINER<br>LEVKOVICH, NATALIA A |                             |
|  |             |                      | ART UNIT<br>1743                 | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>07/03/2007  | DELIVERY MODE<br>ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

**Office Action Summary**

Application No.

09/881,052

Applicant(s)

BIZET ET AL.

Examiner

Natalia Levkovich

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 95-126 is/are pending in the application.
- 4a) Of the above claim(s) 110-124 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 95-109 and 125-126 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/2007 has been entered.

### ***Election/Restrictions***

2. Election of claims drawn to the Species I made without traverse in the reply filed 04/09/2007, is acknowledged. Claims 110-124 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 1743

4. Claims 95-109 and 125-126 are rejected under 35 U.S.C. 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 95, line 9, the 'movement' lacks antecedent basis. See also claims 103 and 125-126.

With respect to claim 97, it is unclear what structural features of the apparatus limit it to being configured specifically for synthesis of oligomers.

In claim 98, line 4, 'said dispensing valves' lack antecedent basis.

In claim 99, the structural inter-relationship between the 'radial column' and the array of vessels, is not clear.

Claims 104-105 contain passive limitations: 'performing chemical synthesis' and 'synthesis of oligomers' correspondingly. These limitations merely name the results and do not set forth the method steps leading to the results.

Claim 107 does not include further limiting method steps.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1743

6. Claims 95-109 and 125-126 are rejected under 35 U.S.C. 102(b) as anticipated by Durkos et al. (US 3901656).

Durkos discloses a chemical analyzer which includes, as illustrated in Figures 1-2, an array of stationary dispensing heads 26, 27 and 28 configured to transfer reagents into an array of test tubes 33 disposed on rotor 18 along a circular path: "properly selected reagents are added by means of the dispensing heads 26, 27 and 28 to each of the serum samples which have been transferred to test tubes 33 as the test wheel 18 is indexed through the dispensing stations" (Col.6, lines 15-20). The dispensing cycle of " may be varied in several ways, all of which are at the option of the programmer and under the control of the electronic logic ['controller – Ex.'](Col.3, lines 50-52).

With respect to claims 98-100, Durkos teaches that the dispensing heads /'nozzles' include dispensing valves: "the individual dispensing valves 436 are selectively energized by the control logic when a test tube carrying a serum sample is positioned beneath the respective dispensing head 27 and 28 " (Col.22, lines 30-35). Solenoid valves are disclosed , for example, in column 21, lines 45 plus.

### ***Response to Arguments***

7. Applicant's arguments filed 04/09/2007 have been fully considered but they are moot in view of new grounds of rejection.

### ***Conclusion***

Art Unit: 1743


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Coassin (US 5405585) – discloses a reactor system which includes a detector positioned down stream of the reactor, to monitor the system performance by detecting the discharge flow. The discharged fluids are directed to a waste container (“to collect the spent reagents”) or to a collection device (“to collect any reaction end products from the chemical reactions”).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Levkovich whose telephone number is 571-272-2462. The examiner can normally be reached on Mon-Fri, 8 a.m.-4p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jill Warden  
Supervisory Patent Examiner  
Technology Center 1700

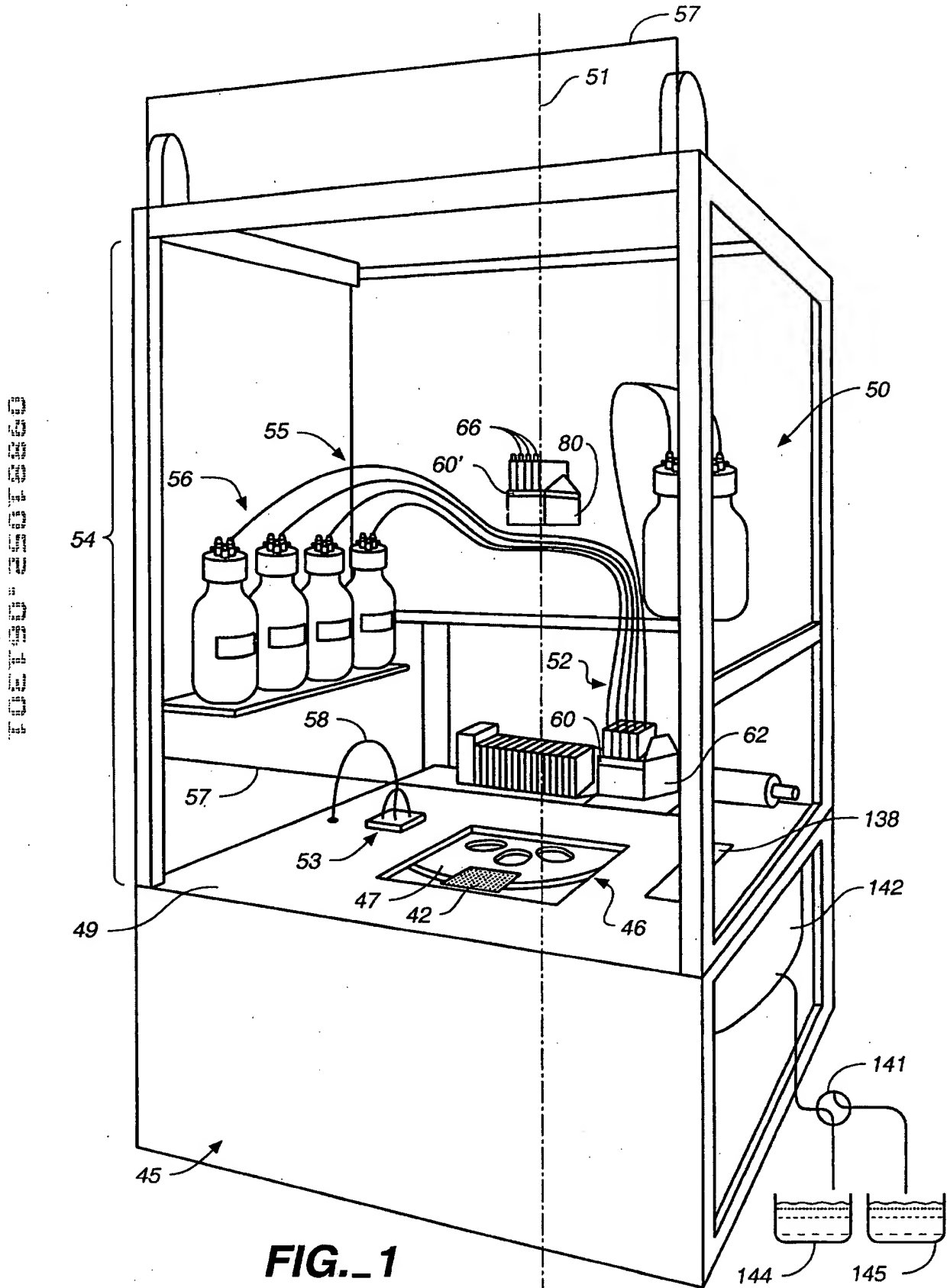
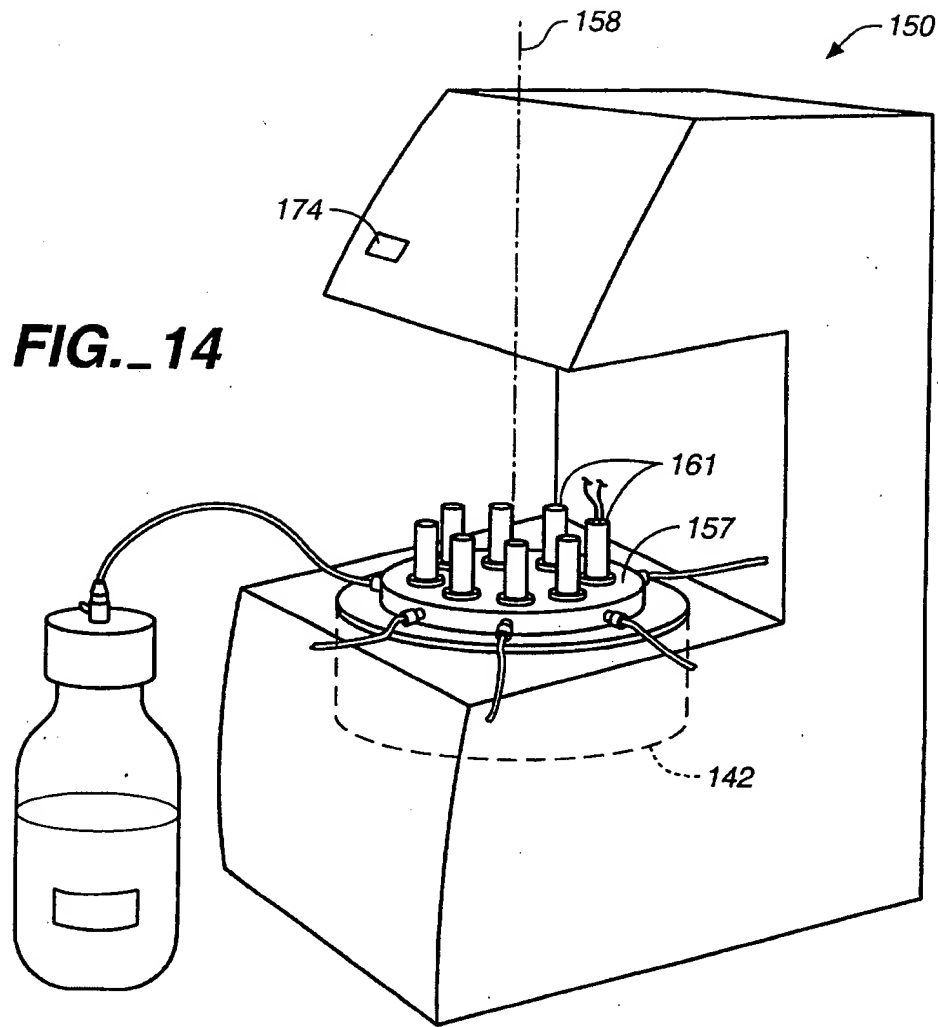


FIG. 1

**FIG.\_14**



**FIG.\_15**

